

covered individual as an emerging technology lead to advise the agency on the responsible use of emerging technologies, including artificial intelligence, provide expertise on responsible policies and practices, collaborate with interagency coordinating bodies, and provide input for procurement policies.

(c) **INFORMING CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of each covered Federal agency in which a covered individual has been appointed or designated as an emerging technology lead under subsection (b) and provide Congress with a description of the authorities and responsibilities of the covered individuals so appointed.

SA 4027. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . TECHNOLOGY COMPETITIVENESS COUNCIL.

The Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

“TITLE VII—TECHNOLOGY COMPETITIVENESS COUNCIL

“SEC. 701. ESTABLISHMENT OF COUNCIL.

“The President shall establish within the Executive Office of the President a Technology Competitiveness Council (in this title, referred to as the ‘Council’).

“SEC. 702. MEMBERSHIP OF COUNCIL.

“(a) **IN GENERAL.**—The Council shall be composed of the following members:

- “(1) The Vice President.
- “(2) The Secretary of State.
- “(3) The Secretary of the Treasury.
- “(4) The Secretary of Defense.
- “(5) The Attorney General.
- “(6) The Secretary of Commerce.
- “(7) The Secretary of Energy.
- “(8) The Secretary of Homeland Security.
- “(9) The Director of the Office of Management and Budget.
- “(10) The Assistant to the President for Technology Competitiveness.
- “(11) The Assistant to the President for National Security Affairs.
- “(12) The Assistant to the President for Science and Technology.
- “(13) The Assistant to the President for Economic Policy.
- “(14) The Assistant to the President for Domestic Policy.
- “(15) The United States Trade Representative.
- “(16) The Chairman of the Joint Chiefs of Staff.

“(17) The Director of National Intelligence.

“(18) The heads of such other executive departments and agencies and other senior officials within the Executive Office of the President as the Chairperson of the Council considers appropriate.

“(b) **CHAIRPERSON.**—The Chairperson of the Council shall be the Vice President.

“SEC. 703. OPERATION OF COUNCIL.

“(a) **RESPONSIBILITIES OF CHAIR.**—The Chairperson of the Council—

“(1) shall convene and preside over meetings of the Council and shall determine the agenda for the Council;

“(2) may authorize the establishment of such committees of the Council, including an executive committee, and of such working groups, composed of senior designees of the Council members and of other officials, as the Chairperson deems necessary or appropriate for the efficient conduct of Council functions; and

“(3) shall report to the President on the activities and recommendations of the Council and shall advise the Council as appropriate regarding the President’s directions with respect to the Council’s activities and national technology policy generally.

“(b) **ADMINISTRATION.**—

“(1) **STAFF.**—The Council may hire a staff, which shall be headed by the Assistant to the President for Technology Competitiveness.

“(2) **SUPPORT.**—

“(A) **SUPPORT FROM OFFICE OF ADMINISTRATION.**—The Office of Administration in the Executive Office of the President shall provide the Council with such personnel, funding, and administrative support, as directed by the Chair or, upon the Chair’s direction, the Assistant to the President for Technology Competitiveness, subject to the availability of appropriations.

“(B) **SUPPORT FROM OTHER AGENCIES.**—Subject to the availability of appropriations, members of the Council who are heads of Federal agencies shall make resources, including personnel and office support, available to the Council as reasonably requested by the Chairperson or, upon the Chairperson’s direction, the Assistant to the President for Technology Competitiveness.

“(3) **INFORMATION AND ASSISTANCE.**—The heads of Federal agencies shall provide to the Council such information and assistance as the Chairperson may request to carry out the functions described in section 704.

“(4) **COORDINATION WITH NATIONAL SECURITY COUNCIL.**—The Council shall coordinate with the National Security Council on technology policy and strategy matters relating primarily to national security to ensure that the activities of the Council are carried out in a manner that is consistent with the responsibilities and authorities of the National Security Council.

“SEC. 704. FUNCTIONS OF COUNCIL.

“The Council shall be responsible for the following:

“(1) Developing recommendations for the President on United States technology competitiveness and technology-related issues, advising and assisting the President in development and implementation of national technology policy and strategy, and performing such other duties as the President may prescribe.

“(2) Developing and overseeing the implementation of a National Technology Strategy required by section 601 of the Intelligence Authorization Act for Fiscal Year 2022.

“(3) Serving as a forum for balancing national security, economic, and technology considerations of United States departments and agencies as they pertain to technology research, development, commercial interests, and national security applications.

“(4) Coordinating policies across Federal departments and agencies relating to United States competitiveness in critical and emerging technologies and ensuring that policies designed to promote United States leadership and protect existing competitive advantages in technologies of strategic importance to the United States are integrated and mutually reinforcing.

“(5) Synchronizing budgets and strategies, in consultation with the Director of the Of-

fice of Management and Budget, in accordance with the National Technology Strategy required by section 601 of the Intelligence Authorization Act for Fiscal Year 2022.”.

SA 4028. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONAL DIGITAL RESERVE CORPS.

(a) **IN GENERAL.**—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 103—NATIONAL DIGITAL RESERVE CORPS

“Sec. 10301. Definitions.

“Sec. 10302. Establishment.

“Sec. 10303. Organization.

“Sec. 10304. Assignments.

“Sec. 10305. Reservist continuing education.

“Sec. 10306. Congressional reports.

“SEC. 10301. DEFINITIONS.

“In this chapter:

“(1) **ACTIVE RESERVIST.**—The term ‘active reservist’ means a reservist occupying a position to which the reservist has been appointed under section 10303(c)(2).

“(2) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of General Services.

“(3) **INACTIVE RESERVIST.**—The term ‘inactive reservist’ means a reservist who is not serving in an appointment under section 10303(c)(2).

“(4) **PROGRAM.**—The term ‘Program’ means the program established under section 10302(a).

“(5) **RESERVIST.**—The term ‘reservist’ means an individual who is a member of the National Digital Reserve Corps.

“SEC. 10302. ESTABLISHMENT.

“(a) **ESTABLISHMENT.**—There is established in the General Services Administration a program, to be known as the ‘National Digital Reserve Corps’, to establish, manage, and assign a reserve of individuals with relevant skills and credentials to help address the digital and cybersecurity needs of Executive agencies.

“(b) **IMPLEMENTATION.**—

“(1) **GUIDANCE.**—Not later than 180 days after the date of enactment of this section, the Administrator shall issue guidance with respect to the Program, which shall include procedures for coordinating with Executive agencies to—

“(A) identify digital and cybersecurity needs that may be addressed by the National Digital Reserve Corps; and

“(B) assign active reservists to address the needs identified under subparagraph (A).

“(2) **RECRUITMENT AND INITIAL ASSIGNMENTS.**—Not later than 180 days after the date of enactment of this section, the Administrator shall begin—

“(A) recruiting individuals to serve as reservists; and

“(B) assigning active reservists under the Program.

“SEC. 10303. ORGANIZATION.

“(a) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—The National Digital Reserve Corps shall be administered by the Administrator.

“(2) RESPONSIBILITIES.—In carrying out the Program, the Administrator shall—

“(A) establish standards for serving as a reservist, including educational attainment, professional qualifications, and background checks;

“(B) ensure the standards established under subparagraph (A) are met;

“(C) recruit individuals to the National Digital Reserve Corps;

“(D) activate and deactivate reservists as necessary;

“(E) coordinate with Executive agencies to—

“(i) determine the digital and cybersecurity needs that reservists shall be assigned to address;

“(ii) ensure that reservists have access, resources, and equipment required to address the digital and cybersecurity needs that those reservists are assigned to address; and

“(iii) analyze potential assignments for reservists to determine outcomes, develop anticipated assignment timelines, and identify Executive agency partners;

“(F) ensure that reservists acquire and maintain appropriate suitability and security eligibility and access; and

“(G) determine what additional resources, if any, are required to successfully implement the Program.

“(b) NATIONAL DIGITAL RESERVE CORPS PARTICIPATION.—

“(1) SERVICE OBLIGATION AGREEMENT.—

“(A) IN GENERAL.—An individual may serve as a reservist only if the individual enters into a written agreement with the Administrator to serve as a reservist.

“(B) CONTENTS.—An agreement described in subparagraph (A) shall—

“(i) require the individual seeking to become a reservist to serve as a reservist for a 3-year period, during which that individual shall serve not less than 30 days per year as an active reservist; and

“(ii) set forth all other rights and obligations of the individual and the Administrator with respect to the service of the individual described in clause (i) as a reservist.

“(2) EMPLOYEE STATUS AND COMPENSATION.—

“(A) EMPLOYEE STATUS.—An inactive reservist shall not be considered to be an employee for any purpose solely on the basis of being a reservist.

“(B) COMPENSATION.—The Administrator shall determine the appropriate compensation for an individual serving as an active reservist, except that the maximum rate of basic pay may not exceed the maximum rate of basic pay payable for a position at GS-15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 or similar provision of law).

“(3) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—

“(A) IN GENERAL.—The protections, rights, benefits, and obligations under chapter 43 of title 38 shall apply to active reservists appointed under subsection (c)(2) to—

“(i) perform service to the General Services Administration under section 10304; or

“(ii) train for service described in clause (i) under section 10305.

“(B) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—

“(i) IN GENERAL.—Preclusion of giving notice of service by necessity of service under subsection (c)(2) to perform service to the General Services Administration under section 10304, or to train for such service under section 10305, shall be deemed preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38 pertaining to giving notice of absence from a position of employment.

“(ii) DETERMINATION.—A determination of a necessity described in clause (i) shall be

made by the Administrator and shall not be subject to review in any judicial or administrative proceeding.

“(4) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a reservist who fails to accept an appointment under subsection (c)(2), or who fails to carry out the duties assigned to the reservist under such an appointment, shall, after notice and an opportunity to be heard—

“(i) cease to be a reservist; and

“(ii) be fined an amount equal to the sum of—

“(I) the amounts, if any, paid under section 10305 with respect to training expenses for the reservist; and

“(II) the difference between—

“(aa) the amount of compensation the reservist would have received under paragraph (2) if the reservist completed the entire term of service as a reservist agreed to in the agreement described in paragraph (1); and

“(bb) the amount of compensation the reservist has received under the agreement described in item (aa).

“(B) EXCEPTION.—With respect to the failure of a reservist to accept an appointment under subsection (c)(2), or to carry out the duties assigned to the reservist under such an appointment—

“(i) subparagraph (A) shall not apply if the failure was due to the continuation, recurrence, or onset of a serious health condition or any other circumstance beyond the control of the reservist; and

“(ii) the Administrator may waive the application of subparagraph (A), in whole or in part, if the Administrator determines that applying subparagraph (A) with respect to the failure would be against equity and good conscience and not in the best interest of the United States.

“(c) APPOINTMENT AUTHORITY.—

“(1) CORPS LEADERSHIP.—The Administrator may appoint qualified candidates to positions in the competitive service in the General Service Administration for which the primary duties are related to the management or administration of the National Digital Reserve Corps, as determined by the Administrator.

“(2) CORPS RESERVISTS.—

“(A) IN GENERAL.—The Administrator may appoint, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328), qualified reservists to temporary positions in the competitive service to—

“(i) assign those reservists under section 10304; and

“(ii) otherwise carry out the Program.

“(B) APPOINTMENT LIMITS.—

“(i) IN GENERAL.—The Administrator may not appoint an individual under this paragraph if, during the 1-year period preceding the date on which the appointment is made, the individual has been an officer or employee in the executive or legislative branch of the United States Government, or of any independent establishment, for not fewer than 130 days.

“(ii) AUTOMATIC APPOINTMENT TERMINATION.—The appointment of an individual under this paragraph shall terminate if the individual has been employed as an officer or employee in the executive or legislative branch of the United States Government, or of any independent establishment, for 130 days during the most recent 365-day period.

“(C) EMPLOYEE STATUS.—An individual appointed under this paragraph shall be considered a special Government employee, as that term is defined in section 202(a) of title 18.

“(D) ADDITIONAL EMPLOYEES.—Individuals appointed under this paragraph shall be in addition to any employees of the General Services Administration, the duties of whom

relate to the digital or cybersecurity needs of the General Services Administration.

“SEC. 10304. ASSIGNMENTS.

“(a) IN GENERAL.—The Administrator may assign active reservists to address the digital and cybersecurity needs of Executive agencies, including cybersecurity services, digital education and training, data triage, acquisition assistance, guidance on digital projects, development of technical solutions, and bridging public needs and private sector capabilities.

“(b) ASSIGNMENT-SPECIFIC ACCESS, RESOURCES, SUPPLIES, OR EQUIPMENT.—The head of an Executive agency shall, to the extent practicable, provide each active reservist assigned to address a digital or cybersecurity need of that Executive agency under subsection (a) with any specialized access, resources, supplies, or equipment required to address that digital or cybersecurity need.

“(c) DURATION.—The assignment of an individual under subsection (a) shall terminate on the earlier of—

“(1) a date determined by the Administrator;

“(2) the date on which the Administrator receives notification of the decision of the head of the Executive agency, the digital or cybersecurity needs of which the individual is assigned to address under subsection (a), that the assignment should terminate; or

“(3) the date on which the assigned individual ceases to be an active reservist.

“(d) COMPLIANCE.—The Administrator shall ensure that assignments under subsection (a) are consistent with an applicable Federal ethics rules and Federal appropriations laws.

“SEC. 10305. RESERVIST CONTINUING EDUCATION.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator may pay for reservists to acquire training and receive continuing education, including attending conferences and seminars and obtaining certifications, that will enable reservists to more effectively meet the digital and cybersecurity needs of Executive agencies.

“(b) APPLICATION.—The Administrator shall establish a process for reservists to apply for the payment of reasonable expenses relating to the training or continuing education described in subsection (a).

“(c) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall submit to Congress a report on the expenditures made under this section.

“SEC. 10306. CONGRESSIONAL REPORTS.

“Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to Congress a report on the Program, including—

“(1) the number of reservists under the Program;

“(2) a list of Executive agencies that have submitted requests for support under the Program;

“(3) the nature and status of the requests described in paragraph (2); and

“(4) with respect to each request described in paragraph (2) with respect to which active reservists have been assigned, and for which work by the National Digital Reserve Corps has concluded, an evaluation of that work (including the results of that work) by—

“(A) the Executive agency that submitted the request; and

“(B) the reservists assigned to the request.”.

(b) CLERICAL AMENDMENT.—The table of chapters for subpart I of part III of title 5, United States Code, is amended by inserting after the item related to chapter 102 the following:

“103. National Digital Reserve Corps 10303”.

(c) CONFORMING AMENDMENTS.—

(1) SERVICE DEFINITIONS.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period for which a person is absent from a position of employment to perform service to the General Services Administration as an active reservist of the National Reserve Digital Corps under section 10304 of title 5, or inactive reservist training for such service under section 10305 of title 5,” before “, and a period”; and

(B) in the second paragraph (16), by inserting “, active reservists of the National Reserve Digital Corps who are appointed into General Services Administration service under section 10303(c)(2) of title 5, or inactive reservist training for such service under section 10305 of title 5,” before “, and any other category”.

(2) REEMPLOYMENT SERVICE NOTICE REQUIREMENT.—Section 4312(b) of title 38, United States Code, is amended by striking “A determination of military necessity” and all that follows and inserting the following: “A determination of military necessity for the purposes of this subsection—

“(1) shall be made—

“(A) except as provided under subparagraph (B), (C), or (D), pursuant to regulations prescribed by the Secretary of Defense;

“(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act, by the Administrator of the Federal Emergency Management Agency, as described in sections 327(j)(2) and 306(d)(2), respectively, of such Act;

“(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services, as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(d)(3)(B)); and

“(D) for active reservists of the National Reserve Digital Corps performing service to the General Services Administration under section 10304 of title 5, or inactive reservist training for such service under section 10305 of title 5, by the Administrator of General Services, as described in section 10303(b)(3)(B) of title 5; and

“(2) shall not be subject to judicial review.”

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of General Services \$30,000,000, to remain available until fiscal year 2023, to carry out the program established under section 10302(a) of title 5, United States Code, as added by subsection (a).

SA 4029. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ TASK FORCE ON ARTIFICIAL INTELLIGENCE GOVERNANCE AND OVERSIGHT.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act,

the President shall appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence (referred to in this section as the “AI Task Force”).

(b) MEMBERSHIP OF TASK FORCE.—

(1) IN GENERAL.—The AI Task Force shall include—

(A) the Director of the Office of Management and Budget or his or her designee;

(B) the Director of the National Institute of Standards and Technology or his or her designee;

(C) the Director of the Office of Science and Technology Policy or his or her designee;

(D) the Deputy Director for Technology at the National Science and Technology Foundation;

(E) the Secretary of Health and Human Services or his or her designee;

(F) the Secretary of Transportation or his or her designee;

(G) the Secretary of Housing and Urban Development or his or her designee;

(H) the Comptroller General of the United States or his or her designee;

(I) the Chairman of the Federal Trade Commission or his or her designee;

(J) the Chairperson of the Equal Employment Opportunity Commission or his or her designee;

(K) the Chair of the Council of Inspectors General on Integrity and Efficiency or his or her designee;

(L) the Principal Deputy Assistant Attorney General for the Civil Rights Division of the Department of Justice or his or her designee;

(M) the chief privacy and civil liberties officers for the following agencies:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of Health and Human Services;

(vi) the Department of Homeland Security;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Education; and

(x) the Office of the Director of National Intelligence;

(N) the Chair of the Privacy and Civil Liberties Oversight Board;

(O) the Chair of the National Artificial Intelligence Advisory Committee's Subcommittee on Artificial Intelligence and Law Enforcement;

(P) any other governmental representative determined necessary by the President; and

(Q) not fewer than 6, but not more than 10, representatives from civil society, including organizational leaders with expertise in technology, privacy, civil liberties, and civil rights, representatives from industry, and representatives from academia, as appointed by the President.

(2) TASK FORCE CHAIR AND VICE CHAIR.—The President shall designate a Chair and Vice Chair of the AI Task Force from among its members.

(c) DUTIES.—The AI Task Force shall carry out the following duties:

(1) Identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence (referred to in this section as “AI”) and associated data in United States Government operations comport with freedom of expression, equal protection, privacy, and due process.

(2) Assessing existing policy, regulatory, and legal gaps for current AI applications, and associated data, and making recommendations for—

(A) legislative and regulatory reforms on the development and fielding of AI and associated data, to include Federal Government

use and management of biometric identification technologies, government procurement of commercial AI products, Federal data privacy standards, Federal antidiscrimination laws, Federal disparate impact standards, AI validation and auditing, and AI risk and impact assessment reporting;

(B) institutional changes to ensure sustained assessment and recurring guidance on privacy and civil liberties implications of AI applications, emerging technologies, and associated data; and

(C) the utility of a new Federal entity to regulate and provide government-wide oversight of AI use by the Federal Government, including—

(i) the review of Federal funds used for the procurement and development of AI; and

(ii) the enforcement of Federal law for commercial AI products used in government.

(3) Conducting an assessment and making recommendations to Congress and to the President to ensure that the development and fielding of artificial intelligence by the Federal Government provides protections for the privacy, civil liberties, and civil rights of individuals in the United States in a manner that is appropriately balanced against critical law enforcement and national security needs.

(4) Recommending baseline standards for Federal Government use of biometric identification technologies, including facial recognition, voiceprint, gait recognition, and keyboard entry technologies.

(5) Recommending baseline standards for the protection and integrity of data in the custody of the Federal Government.

(6) Recommending proposals to address any gaps in Federal law or regulation with respect to facial recognition technologies in order to enhance protections of privacy, civil liberties, and civil rights of individuals in the United States.

(7) Recommending best practices and contractual requirements to strengthen protections for privacy, information security, fairness, nondiscrimination, auditability, and accountability in artificial intelligence systems and technologies and associated data procured by the Federal Government.

(8) Considering updates to and reforms of Government data privacy and retention requirements to address implications to privacy, civil liberties, and civil rights.

(9) Assessing ongoing efforts to regulate commercial development and fielding of artificial intelligence and associated data in light of privacy, civil liberties, and civil rights implications, and as appropriate, considering and recommending institutional or organizational changes to facilitate applicable regulation.

(10) Assessing the utility of establishing a new organization within the Federal Government to provide ongoing governance for and oversight over the fielding of artificial intelligence technologies by Federal agencies as technological capabilities evolve over time.

(d) ORGANIZATIONAL CONSIDERATIONS.—In conducting the assessments required by paragraphs (2) and (3) of subsection (c), the AI Task Force shall consider—

(1) the organizational placement, structure, composition, authorities, and resources that a new organization would require to provide ongoing guidance and baseline standards for—

(A) the Federal Government's development, acquisition, and fielding of artificial intelligence systems to ensure they comport with privacy, civil liberties, and civil rights and civil liberties law, including guardrails for their use; and

(B) providing transparency to oversight entities and the public regarding the Federal Government's use of artificial systems and the performance of those systems;